

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
JOHN P. "JACK" FLYNN and
LESLIE A. FLYNN

Plaintiffs,

-v-

CABLE NEWS NETWORK, INC.,

Defendant.
----- X

1:21-cv-02587 (AS/SLC)

PLAINTIFF'S RULE 56.1 STATEMENT OF MATERIAL FACTS IN DISPUTE

Pursuant to Rule 56.1 of the Local Rules for the United States District Court for the Southern District of New York, Defendant Cable News Network, Inc. ("CNN") submitted the following Statement Material Facts in Dispute ("SMFD") in support of its Motion for Summary Judgment.

The facts necessary for a determination of this Motion are set forth in the Declaration of Katherine M. Bolger ("Bolger Dec."), sworn to on the 27th day of October, 2023, and the exhibits annexed thereto ("Bolger Ex."), Dkt. 184, and the Declaration of Jared J. Roberts, filed concurrently with this memorandum, and the exhibits annexed thereto ("Roberts Ex.").

PLAINTIFFS' RESPONSE TO DEFENDANT'S STATEMENT OF MATERIAL FACTS

1. At the time of filing the First Amended Complaint ("FAC"), Dkt. 7, Plaintiff John P. "Jack" Flynn ("Jack") was a resident of Rhode Island. FAC ¶ 8. [REDACTED]

[REDACTED]

[REDACTED]

Response 1. No dispute.

2. At the time of filing the FAC, Plaintiff Leslie Flynn (“Leslie”) alleged she was a citizen of Rhode Island, FAC ¶ 8, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 2. At the time of filing the First Amended Complaint (“FAC”), Dkt. 7, Jack and Leslie were citizens of Rhode Island. FAC ¶8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. CNN owns and operates numerous news platforms and services, including the television network known as CNN and the website www.cnn.com.

Bolger Dec. ¶ 1.

Response 3. No Dispute.

4. “QAnon” is an American conspiracy movement that began in 2017. It centers on fabricated claims that a high-ranking government official called “Q Clearance Patriot” or “Q” is leaking top secret information about a Deep State cabal on online forums. Q’s posts, called “Q Drops,” of which there have been just shy of 5,000, claim that Trump was the only one who could save America. Ex. 6 at 5.

Response 4. No Dispute.

5. Members of the QAnon movement have a range of beliefs. Ex. 6 at 4–5; Ex. 8 at 187–88. Q encouraged his followers to “do their own research” and use memes (a graphic or image often accompanied by text that is shared online) to spread the word about Q Drops. Ex. 82 (instructing “memes at the ready. WWG1WGA! Q”); Ex. 34 at 43:16–21. Posting on social media is central to the QAnon movement, Ex. 34 at 43:12–21; Ex. 3 ¶ 15, and posting about Q by social media influencers greatly increased the movement’s reach. Ex. 9 at 2:23–3:28; *see also id.* 1:00–2:22; Ex. 10 at 6:13–10:01.

Response 5. QAnon followers hold a series of outlandish beliefs that have grown out of these Q drops. “These views center on the idea that a cabal of Satan-worshipping pedophiles mainly consisting of what they see as elitist Democrats, politicians, journalists, entertainment moguls and other institutional figures have long controlled much of the so-called deep state government, which they say sought to undermine President Trump, mostly with aid of media and entertainment

outlets." [REDACTED]. This "secret global cabal of Democrats and celebrities ... worship Satan[,] sexually abuse[] children and dr[ink] their blood in order to ingest a chemical called adrenochrome." [REDACTED] Trump is a messianic figure in QAnon [REDACTED]. Some QAnon followers "believe there's a lineage ... from JFK, Trump through to our Lord Jesus Christ." [REDACTED].

6. At a QAnon convention in October 2020, a prominent QAnon supporter, Dave Hayes (known online as Praying Medic), referenced General Flynn's emphasis on social media, and stated that social media is "where the war is" and where QAnon supporters "took over the idea of information." Ex. 10 at 6:13-10:01. Praying Medic said: QAnon supporters "collectively are massively killing [mainstream media] on engagement on social media" and are "having a big impact on the public perception of information." *Id.* Praying Medic also emphasized the importance of hashtags, because if QAnon supporters "can get a post going, a viral hashtag, you can co-opt the hashtag," and retweet to "amplify the right message" and "get it to go viral." Ex. 9 at 1:00-2:22. Another QAnon supporter said at the convention, Q "tells us to stay there [on social media], tells us to stay on Twitter . . . because we have to fight on those platforms." *Id.* at 2:23- 3:28. Praying Medic stated, "That's why they're taking [QAnon] accounts down" because QAnon supporters are "killing their narrative," Ex. 10 at 6:13-10:01, and "[t]hey take your account off, you create another one. You keep messaging. You get out there." *Id.* at 6:13-10:01.

Response 6. No dispute.

7. On October 17, 2020, Q instructed his followers to deny being QAnon

followers and instead to claim “[t]here is ‘Q[,]’ ... [t]here are ‘Anons[,]’ [but t]here is no ‘Qanon’.” Ex. 86; *see also* Ex. 34 at 34:2-6.

Response 7. No dispute.

8. Q uses catchphrases, such as the “Storm” and the “Great Awakening.” Ex. 6 at 19- 20. Among them is the phrase “Digital Soldiers,” which was coined by Gen. Flynn in November [REDACTED]

[REDACTED]

[REDACTED]

Response 8. Leslie was unfamiliar with the terms “TheGreatAwakening” and “Q.” [REDACTED] [REDACTED] Jack didn’t know what the term great awakening meant. [REDACTED] Gen. Flynn coined the term “Digital Soldiers” right after Donald Trump was elected President in 2016 with a group of young Republicans. This was before QAnon appeared publicly. [REDACTED]

[REDACTED]

9. No phrase is more associated with QAnon than the QAnon Slogan “Where We Go One, We Go All” and its abbreviation “WWG1WGA.” Ex. 6 at 11-12; *see also* Ex. 8 at 93, 160.

Response 9. The phrase “Where We Go One, We Go All” originates in the 1996 film *White Squall*. [REDACTED]

10. The origin of the phrase WWG1WGA is enmeshed in QAnon lore. The phrase was first used in Q Drop #513, on January 8, 2018, Ex. 80, and many QAnon supporters believe the phrase was engraved on a bell on President John F. Kennedy’s

sailboat. In fact, it comes from the 1996 film *White Squall*. Ex. 3 ¶ 17; Ex. 6 at 13-14; Ex. 8 at 21. And the picture of the engraved bell that many QAnon followers claim is from Kennedy's boat is in fact a still photo from *White Squall* that was published in Q Drop #3924. *See* Ex. 83; Ex. 8 at 21, 186.

Response 10. Jack had originally learned of the phrase when he watched *White Squall*. [REDACTED]

11. Q has used either "Where We Go One, We Go All" or its abbreviation "WWG1WGA" in 201 posts. Ex. 6 at 12. And it was used extensively by QAnon followers on social media, often with other hashtags like #QAnon. Ex. 35 at 138:8-10; Ex. 36 at 36:16-18. In fact, the use of social media by the QAnon movement to spread disinformation was so widespread that, following the January 6 Capitol attack, Twitter banned users (including Jack's brother and Leslie's brother-in-law, Gen. Flynn, [REDACTED]) who posted QAnon phrases. Ex. 105; *see also* Ex. 32 at 332:23-333:11; Ex. 31 at 171:3-4. The phrase also appeared on clothing, hats, flags, and other merchandise. Ex. 6 at 12.

Response 11. Jack never associated the phrase "Where we go one, we go all" or #WWG1WGA with QAnon. [REDACTED]. The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. *Id.* at 65:22-66:3; 67:2-10; 89:6-14; 233:18-234:4; Bolger Exs. 43, 58. To Jack it was just another conservative hashtag, or as he put it: "This Simple

statement of support for each other really roils the left Huh!!?” FAC ¶ 23.a (in picture); Roberts Ex. J.

12. Courts have described “Where We Go One, We Go All” as “a slogan used by adherents of the QAnon conspiracy theory.” *U.S. v. Languerand*, 2021 WL 3674731, at *3 (D.D.C. Aug. 19, 2021). In 2020, *Media Matters* published an article titled “Here are the QAnon supporters running for Congress in 2020,” which detailed the QAnon-supportive actions of 107 former congressional candidates. Ex. 87. Derrick Grayson made the list for “tweet[ing] the QAnon slogan and its spinoff hashtag, #wwg1wgaworldwide,” and Philanise White made the list for “tweet[ing] the QAnon slogan more than once,” including in tweets soliciting donations to her campaign. *Id.* at 11, 26. Others, like Theresa Raborn and Johnny Teague, made the list for simply retweeting the Flynn’s Oath Video. *Id.* at 19-20, 22-23. Sharing the “Where We Go One, We Go All” phrase has led to political candidates being labeled as “QAnon believers” or “supporters” both in the mainstream media and by Jack and Leslie’s own purported expert. *See* Ex. 6 at 9; Ex. 8 at 200 n.55; Ex. 87.

Response 12. [REDACTED]

[REDACTED]

13. Jack and Leslie alleged that “Where We Go One, We Go All” is “a simple, family, July 4 statement of support for each other.” FAC ¶ 4 n.1. Jack and Leslie testified that the “first time” the Flynn family together used the phrase was in the video filmed on July 4, 2020. Ex. 28 at 61:21-25; Ex. 29 at 33:19-24.

Response 13. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The first time Leslie heard #WWG1WGA said out loud as the phrase “Where we go one, we go all” was at the July 4th Flynn family barbeque. [REDACTED] Because the July 4 barbeque was the first time Leslie had heard that phrase WWG1WGA, she viewed it as a family oath. [REDACTED] Jack had originally learned of the phrase when he watched *White Squall*. [REDACTED]

14. Other than Trump, Gen. Michael Flynn, Jack’s brother and Leslie’s brother-in-law, is one of the most high-profile figures in the QAnon movement. Ex. 6 at 7; Ex. 8 at 5, 44.

Response 14. Gen. Flynn believes the Q movement is “total nonsense created, perhaps, by the CIA to make people look like a bunch kooks.” Bolger Ex. 31 at 426:1-427:18.

15. [REDACTED]

[REDACTED] Q referenced Gen. Flynn in scores of Q Drops, and members of the Q movement show their support for Gen. Flynn by adding three stars to their Twitter handle (meant to signify his rank as a three-star general); creating, sharing, and liking memes featuring him; and using hashtags like #ClearFlynnNow and #IStandWithFlynn, in conjunction with #WWG1WGA and #QAnon. Ex. 32 at 345:5-346:4; Ex. 6 at 8; Ex. 28 at 212:16-19.

Response 15. Veronica Wolski acted like a groupie toward Gen. Flynn. [REDACTED]

[REDACTED]. The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. *Id.* at 65:22-66:3; 67:2-10; 89:6-14; 233:18-234:4; Bolger Exs. 43, 58.

16. [REDACTED]

[REDACTED]

Response 16. [REDACTED]

[REDACTED]

17. Many suspected Gen. Flynn was himself Q. Ex. 32 at 169:8-170:7; *see* Ex. 8 at 20- 21. [REDACTED]

[REDACTED]

Response 17. Gen. Flynn believes the Q movement is [REDACTED]

[REDACTED]

18. [REDACTED]

[REDACTED]

[REDACTED]

Response 18. Gen. Flynn and his family set up a legal defense fund for Gen. Flynn because of the astronomical cost of his legal fees. Jack promoted the legal defense fund on twitter without regard to QAnon. [REDACTED]

[REDACTED] He did not know much at all about QAnon when he was promoting the legal defense fund before July 4, 2020. [REDACTED]

19. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 19. No dispute.

20. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 20. Jack would promote, by liking or retweeting, tweets that supported Gen. Flynn. [REDACTED] Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon

hashtags. Bolger Ex. 52. [REDACTED]

[REDACTED]. At the time of the July 4, 2020, barbecue Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brother.

21. [REDACTED]

Response 21. No dispute.

22. [REDACTED]

Response 22. [REDACTED]

[REDACTED] However, Jack never associated the phrase “Where we go one, we go all” or #WWG1WGA with QAnon. [REDACTED] The

#WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. [REDACTED]

[REDACTED] To Jack it was just another conservative hashtag. [REDACTED]

[REDACTED].

23. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. *Id.* at 126:3-

20, 127:15-23; Ex. 48 at 3 (tweeting “WWG[]1WGA TO MikeFlynnDefenseFund.org”).

[REDACTED]

[REDACTED]

Response 23. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] At the time of the

July 4, 2020, barbecue Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brother. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] However, Jack never associated the phrase “Where we go one, we go all” or #WWG1WGA with QAnon. [REDACTED] The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. [REDACTED]

[REDACTED] To Jack it was just another conservative hashtag, [REDACTED]

[REDACTED]

[REDACTED]

24. [REDACTED]

[REDACTED]

[REDACTED] Between October and December 2018, Jack retweeted post after post using the hashtags #WWG1WGA, other QAnon terms, and Flynn promotional phrases (like #AllInForGenFlynnFriday) to encourage donations to the Legal Defense Fund: *See id.* at 233:18-234:4, 235:23-236:12 & Ex. 58 at 4 (October 2018 retweet of post encouraging donations to the Legal Defense Fund containing #WWG1W[G]A, #AllInForGenFlynnFriday and a link to the Legal Defense Fund’s website); Ex. 28 at 240:19-241:7 & Ex. 59 at 5 (November 2018 retweet of post asking for “support” of the Legal Defense Fund with the hashtag #WWG1WGA); Ex. 28 at 89:2-14 & Ex. 43 at 3

(November 2018 retweet of a post by Twitter user with the display name “Trump Q Chick” containing “[T]omorrow isn’t just #BlackFriday[.] It’s a day to tell @GenFlenn how much #WeThePeople appreciate him!!” with the hashtags #IStandWithGenFlynn, #allinfor genflynnfriday, #QAnon and #WWG1WGA); Ex. 28 at 245:14- 248:6 & Ex. 60 at 1 (December 2018 retweet of a user with three stars in their display name linking to the Legal Defense Fund along with the hashtags #QArmy and #WWG1WGA [REDACTED] [REDACTED]); Ex. 28 at 249:18-250:20 & Ex. 61 at 2 (December 2018 retweet of a post linking to the Legal Defense Fund along with the phrase, “Where We Go One, We Go All!” and the hashtag #AllInForGenFlynnFriday).

Response 24. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] At the time of the July 4, 2020, barbecue Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brother. [REDACTED] [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] However, Jack never associated the phrase “Where we go one, we go all” or #WWG1WGA with QAnon. [REDACTED] The #WWG1WGA hashtag appeared

alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. [REDACTED]

[REDACTED] To Jack it was just another conservative hashtag, [REDACTED]

[REDACTED]

[REDACTED]

25. Jack continued to share similar posts in 2019 and 2020. *See* Ex. 28 at 253:14-254:9 & Ex. 62 at 4-5 (September 2019 retweet of posts containing screenshots of donations to the Legal Defense Fund along with the hashtag #WWG1WGA); Ex. 28 at 92:22-94:21 & Ex. 44 at 4 (April 2020 retweet of a tweet “in support of his brother” sharing a tweet from a user with the display name “#ANON ARTS #Q & a BAND OF ANONS #WWG1WGA”); Ex. 28 at 101:18-102:7 & Ex. 46 at 5 (May 2020 retweet of post with the hashtags #ExonerateGeneralFlynnNow, #WWG1WGAWORLDWIDE, and #Q). [REDACTED]

[REDACTED]

[REDACTED]

Response 25. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] At the time of the

July 4, 2020, barbecue Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brother. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. [REDACTED]

[REDACTED] To Jack it was just another conservative hashtag, [REDACTED]

[REDACTED]

[REDACTED]

26. Jack also shared or retweeted QAnon-related content unrelated to the Legal Defense Fund but that generally promoted Gen. Flynn. For example, in September 2019, Jack retweeted a Twitter user @BlueSkyQ with three stars in their Twitter handle that quoted from a Q Drop “libel laws end of MSM [Mainstream Media]” and screenshots of several different Q Drops along with the hashtag #QAnon. Ex. 28 at 211:5-213:20 & Ex. 56 at 7. [REDACTED]

[REDACTED]

[REDACTED]

Response 26. Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED]

27. In July 2020, Jack retweeted a meme containing a photograph of Gen. Flynn, the text “Where We Go One, We Go All,” and quoting from two Q Drops referencing Gen. Flynn. Ex. 28 at 104:6-25; Ex. 41 at 7.

Response 27. Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED]

[REDACTED] However, Jack never associated the phrase “Where we go one, we go all” or #WWG1WGA with QAnon. [REDACTED] The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. [REDACTED]

[REDACTED] To Jack it was just another conservative hashtag, or as he

[REDACTED]

[REDACTED]

28. On June 24, 2020, 20 minutes after the D.C. Circuit Court of Appeals (temporarily) ordered Judge Sullivan to dismiss the charges against Gen. Flynn, Q posted “The People’s General. Soon” followed by three stars. Ex. 84; Ex. 7 at 14. Approximately two hours later, Q posted Drop #4510, Ex. 85

Response 28. No dispute.

29. Shortly thereafter, QAnon followers began filming themselves reciting the oath and posting the video along with #TakeTheOath, #QAnon, and #Qdrop. Ex. 7 at 18. On June 25, 2020, there were 76,600 tweets with #TakeTheOath, many of which had QAnon iconography, used #WWG1WGA, and showed the speaker with Q shirts or Q flags when they took the oath. Ex. 6 at 15; Ex. 7 at 20-21.

Response 29. No dispute.

30. On June 27, 2020, Gen. Flynn changed the text of his Twitter profile to include #TakeTheOath, along with a U.S. flag emoji. Ex. 6 at 16; Ex. 7 at 21-22.

Response 30. No dispute.

31. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] a tweet by user @wgabrittany (with the username “BrittanyWWG1WGA”), using the hashtags #TakeTheOath, #qanon, #wwg1wga, before concluding with “God bless the United States of America.” Ex. 74 at 26.

Response 31. Leslie was only on Twitter for a short time [REDACTED]
[REDACTED] Leslie didn't even know what #Q or #WWG1WGA meant; they were just letters to her. [REDACTED] The first time Leslie heard #WWG1WGA said out loud as the phrase "Where we go one, we go all" was at the July 4th Flynn family barbeque. [REDACTED]

32. [REDACTED]
[REDACTED] a tweet by user @CourtSalinas with the hashtags #TakeTheOath and #WWG1WGA and the phrase "God Bless America." *Id.*; Exs. 70-71. [REDACTED]
[REDACTED]

Response 32. Leslie didn't even know what #Q or #WWG1WGA meant; they were just letters to her. [REDACTED]. The first time Leslie heard #WWG1WGA said out loud as the phrase "Where we go one, we go all" was at the July 4th Flynn family barbeque. [REDACTED]

33. [REDACTED]
[REDACTED]
[REDACTED]

Response 33. Jack heard about the viral #TakeTheOath challenge on social media because it was "trending" but was unaware of its connection to QAnon. [REDACTED]
[REDACTED]

34. On July 1, 2020, three days prior to the Oath Video, Jack retweeted a tweet posted by his sister, Barbara Flynn Redgate, in which she tweeted "So Proud

To #TakeTheOath To Defend Our Constitution!” and “Digital Soldiers On The Move! #WWG1WGA God Bless America!” alongside a video of herself participating in #TakeTheOath, and tagging Jack, Gen. Flynn, Lori, Sidney Powell, President Trump, Mary Flynn O’Neill, and @76LibertyWatch. Ex. 28 at 33:14-36:2 & Ex. 41 at 2.

Response 34. Jack and Leslie both received social media messages from Flynn family members that included both #TakeTheOath and #WWG1WGA. However, since neither Jack nor Leslie associated #WWG1WGA with QAnon, these messages would not have conveyed to them any connection between QAnon and #TakeTheOath.

[REDACTED]

35. That same day, Jack also retweeted a #TakeTheOath tweet and video posted by user @SharletaBasset1, who tagged Jack, other Flynn family members, and users @BardsFM and @intheMatrixxx, among others. Ex. 28 at 36:19-37:15 & Ex. 41 at 5.

Response 35. Jack heard about the viral #TakeTheOath challenge on social media because it was “trending” but was unaware of its connection to QAnon. [REDACTED]

[REDACTED]

36. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 36. After General Flynn’s legal troubles seemingly ended, his family celebrated his freedom from his charges at a July 4th barbecue. Bolger [REDACTED]

[REDACTED] This barbeque that stretched across the adjoining back yards of Jack and Leslie's house and Gen. Flynn's house. [REDACTED] In addition to the hosts, Lori (Gen. Flynn's wife), Joe (Gen. Flynn and Jack's brother), and Valerie (Joe's wife) Flynn were in attendance from the Flynn family. [REDACTED] There were also more distant relatives and nonrelatives at this party. [REDACTED] However, only the six individuals with the last name of Flynn—Gen. Flynn, Lori, Joe, Valerie, Jack and Leslie—participated in filming a #TakeTheOath video. *Id.* at 17:24-25. Other guests were not invited to join because the Flynnns were participating in the #TakeTheOath trend and saying "Where We Go One, We Go All" as a symbol of family unity after a very trying time had passed. [REDACTED]

37.

[REDACTED] The only other people present were Sidney Powell and her son, Wilson. Once the Flynns lined up, Wilson filmed Jack, Leslie, and their family raising their right hands and reciting the federal oath of office and adding “Where We Go One, We Go All” at the end. [REDACTED]

[REDACTED] The Flynns also added the words “God Bless America,” as did other QAnon followers who included those words in their #TakeTheOath Twitter posts, like @WgaBrittany and @CourtSalinas.

[REDACTED]. Exs. 70-71.

Response 37: Jack heard about the viral #TakeTheOath challenge on social media because it was “trending” but was unaware of its connection to QAnon. [REDACTED]

[REDACTED] The first time Leslie heard #WWG1WGA said out loud as the phrase “Where we go one, we go all” was at the July 4th Flynn family barbeque. [REDACTED]

[REDACTED]

38. The Flynnns filmed the Oath Video twice because “someone said they could resay it better.” Ex. 37 at 53:7-12; *see also* Ex. 28 at 17:20-18:22; Ex. 31 at 30:20-22, 31:13-17.

Response 38. No dispute.

39. Gen. Flynn published the Oath Video on Twitter [REDACTED]

[REDACTED]

Response 39. No dispute.

40. [REDACTED]

[REDACTED]

[REDACTED]

Response 40. No dispute.

41. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 41. No dispute.

42. The Oath Video has been viewed more than 2.4 million times, retweeted 18.9 thousand times, and liked 56.5 thousand times. Ex. 7 at 25; *see also* Ex. 31 at 30:20-22. Jack quote tweeted General Flynn’s tweet to his approximately 108,000 followers and added the words “WWG1WGA,” as did other Flynnns, including Lori. *See* Ex. 28 at 55:3-7 & Ex. 42 at 3-4; *see also* Ex. 32 at 149:7-150:16; Ex. 73 at 2-4. Jack also retweeted Gen. Flynn’s tweet. Ex. 42 at 3- 4.

Response 42. No dispute.

43. The Flynnns fundraised for the Legal Defense Fund off the Oath Video. The Oath Video “got a lot of attention and possibly contributed in a positive manner on his [Gen. Flynn’s] Legal Defense Fund which became vital to the legal efforts he faced as he headed into the Fall of that year [2020].” Ex. 78 at 8.

Response 43. No dispute

44. Between July 4 and July 5, 2020, Jack continued to retweet strangers’ #TakeTheOath posts on Twitter, such as one from Twitter user @theoldbigmoose with the hashtag #WWG1WGA. [REDACTED]

[REDACTED] Similarly, Jack retweeted Twitter user @TEXASrdblock who commented that “Taking the oath standing with @GenFlynn, [Leslie’s] dress did steal the limelight” along with #WWG1WGA. Ex. 28 at 67:2-12 & Ex. 42 at 4. The dress Leslie wore in the Oath Video had various terms on it, including “Trump,” “Rocket Man,” and “Sleepy Joe.” Ex. 29 at 43:4-21.

Response 44 Jack and Leslie both received social media messages from Flynn family members that included both #TakeTheOath and #WWG1WGA. However, since neither Jack nor Leslie associated #WWG1WGA with QAnon, these messages would not have conveyed to them any connection between QAnon and #TakeTheOath. [REDACTED]

[REDACTED]

45. In an undated tweet, Jack retweeted a post from a user with the phrase “QmapJapan” in their name that used the hashtags #TakeTheOath and #Q and tagged Jack’s Twitter account along with other QAnon figures, including @intheMatrixxx, @TheJTWilde, @prayingmedic, @TheCollectiveQ, and @Qappanon. Ex. 28 at 80:9-81:10 & Ex. 108.

Response 45. Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED]

[REDACTED]

[REDACTED]

46. Also on July 4 or 5, 2020, Jack retweeted a photo of Gen. Flynn with a

“Q” prominently attached to his lapel, set against green computer code and text stating “The Great Awakening.” Ex. 28 at 67:19-69:8 & Ex. 42 at 5.

Response 46. Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED]

[REDACTED]

[REDACTED]

47. For those within the QAnon movement, Gen. Flynn, Jack, Leslie, and their family’s participation in #TakeTheOath was seen as public validation of QAnon. Ex. 3 ¶ 22. Prominent QAnon-affiliated individuals and journalists noted that the timing of the Oath Video and the Q Drop 10 days prior was not coincidental. [REDACTED]

[REDACTED]

[REDACTED]

Response 47. [REDACTED]

[REDACTED]

[REDACTED]

48. [REDACTED]

[REDACTED]

Ex. 37 at 72:9-73:6.

Response 48 No dispute.

49. After the online posting of the Oath Video, media entities across the political spectrum reported that the Flynnns took a “QAnon oath” and described WWG1WGA as a “QAnon slogan.” Ex. 91. In total, at least 45 news articles and

countless social media posts referenced Gen. Flynn taking the QAnon oath. *Id.*; *see, e.g.*, Exs. 93-94. Even Jack and Leslie’s purported expert wrote, “Gen. Flynn himself pledged allegiance to QAnon on July 4, 2020, in which he added the phrase to the standard oath of office ‘Where we go one we go all.’ Flynn then posted the video to Facebook, Twitter, and other platforms ensuring that his oath of allegiance went viral.” Ex. 8 at 20.

Response 49. Flynnns were participating in the #TakeTheOath trend and saying “Where We Go One, We Go All” as a symbol of family unity after a very trying time had passed. [REDACTED]

[REDACTED]

[REDACTED]

50. On July 6, 2020, General Flynn’s lawyer, Sidney Powell, who was also present at the July Fourth barbecue, posted a tweet on behalf of the “Flynn family” containing the bell from *White Squall* with the QAnon Slogan that previously appeared in a Q Drop. [REDACTED] & Ex. 109 at 3; *see supra* ¶ 10.

Response 50. Jack testified that Sidney Powell did not represent him or his wife and was not authorized to speak on their behalf. [REDACTED]

51. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] But no member

of the Flynn family removed the video from Twitter. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 51. The Flynnns were participating in the #TakeTheOath trend and saying “Where We Go One, We Go All” as a symbol of family unity after a very trying time had passed. Bolger Ex. 28 at 51:6-20; 56:13-57:4; Bolger Ex. 29 at 31:18-32:9.

52. The Oath Video remained available on Twitter until January 8, 2021, when Gen. Flynn’s ([REDACTED]) Twitter accounts were suspended as part of the post-January 6 suspensions of accounts “primarily dedicated to sharing QAnon content.” Ex. 105; *see* Ex. 32 at 332:23-333:11; Ex. 31 at 171:3-4. [REDACTED]

[REDACTED]

[REDACTED] When Gen. Flynn’s account was reinstated on January 6, 2023, the Oath Video remained on his page and is available for viewing to this day.

Response 52. Lori Flynn does not know why her and Gen. Flynn were kicked off of Twitter on January 8, 2021. [REDACTED]

53. [REDACTED]

[REDACTED]

[REDACTED] On or after July 8, 2020, Jack retweeted a post containing a photo prominently featuring the letter “Q” along with the hashtag #WWG1WGA. Ex. 28 at 114:7-25 & Ex. 47 at 10.

Response 53. Because QAnon followers would share messages in support of

Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED]

[REDACTED]

[REDACTED]

54. On August 13, 2020, Jack posted a Twitter thread containing “What’s wrong with the statement: Where We Go 1 We Go All?? ANYONE?? #WWG1WGA,” “Anyone have a photo of Kennedy’s Brass Deck Bell that shows this statement?”, and continued promotion of the Oath Video: “Thank you for posting the Bell! . . . Joe can you repost the oath we took on the 4th? Wilson filmed it.” Ex. 28 at 118:2-119:12; FAC ¶ 4 n.1.

Response 54. No dispute.

55. On or around August 14, 2020, Jack tweeted, “Q-Anon Movement? 1. Is this a ‘right wing conspiracy theory Group’? 2. ‘Pro American Values Centric Mind Set Group’? 3. OTHER? PLEASE offer your own idea of what you think? Your opinion matters. #KAG2020TRUMPVICTORY[.]” Ex. 28 at 388:24-390:14 & Ex. 65 at 2.

Response 55. No dispute.

56. On August 20, 2020, Jack tweeted, “There is nothing wrong with QAnon. Just People doing their own research and learning independence of thought to find the truth. If it triggers the daylights out of fools like yourself all the better . . . Don’t you get it?? It’s so simple~Yet complex. Like a meritage wine.” Ex. 28 at 130:18-131:11 & Ex. 49. Jack then quote tweeted that tweet and posted further: “I was told today that QAnons are dangerous people to be aligned with. That there is actually ‘no plan.’

True or not, most people seem pretty normal to me who support the idea of Q. I advocate for the Constitution and Bill of Rights. [U.S. flag emoji] if Q does too~No harm no foul” followed by the hashtag #KAG2020 (“Keep America Great”). Ex. 28 at 132:10-133:10 & Ex. 49.

Response 56. No dispute.

57. On August 19, 2020, Jack received an email from a man he met on Twitter, who said, “Once [Gen. Flynn’s] case is dismissed, as Q Said ‘Fire at will, Commander!’ . . . WWG1WGA!!! God bless you all!! God bless America!!!” Ex. 50 at 2. That man then emailed Jack, “Fox news just grilled the press secretary trying to control the narrative and force her to say the president supports Q, and labeling Q followers as conspiracy theorists with possible extreme domestic views” and “That storm must be just right off the coast.” *Id.* at 1; Ex. 28 at 142:11-143:8. Jack responded, “Who knows what Q really is The point is Q hasn’t burned building[s] or beaten anyone up,” [REDACTED]

Response 57. No dispute.

58. On August 19, 2020, news outlets reported that President Trump praised QAnon supporters, saying, “I heard that these are people that love our country” and that they “like me very much.” Ex. 89 at 2.

Response 58. No dispute.

59. Two days later, on August 21, 2020, Jack tweeted, “Honestly I ask

myself about this Q thing and look for a reason not to trust anything about it. I don't see Qsters [*i.e.*, "people who believe in [] QAnon"] in the street breaking into buildings claiming real estate pulling down statutes or beating up people in the name of some form of justice or retribution BS." Ex. 28 at 158:22-159:16 & Ex. 51 at 3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 59. No dispute.

60. That same day, Jack also retweeted a post stating that, "Qanon is not violent or conspiracy. We are every day people seeking truth . . ." and urging "QAnons [to] share and tell your story":*Id.* at 161:9-162:3 & Ex. 51 at 2.

Response 60. No dispute.

61. On or around August 21, 2020, Jack retweeted a post containing a "breakdown" of "QAnon vs. Antifa" that compared the "mission," "weapons," "tactics," and "beliefs" of each movement, demonstrating the unique centrality of social media to QAnon. Ex. 28 at 170:10-171:4 & Ex. 52 at 14. Under QAnon, the "weapons" listed

include “memes”; the “tactics” include “social media info dissemination”; and the “beliefs” include “WWG1WGA (Unity)” and “[t]he media is corrupt” Ex. 28 at 171:2-19 & Ex. 52 at 14. A few days later, Jack would go on to post a tweet critical of CNN with the hashtags #MediaGate, #BanCNN, and #FreeFlynn: Ex. 28 at 177:22-179:5 & Ex. 52 at 9.

Response 61. No dispute

62. On August 21, 2020, Jack also tweeted asking for explanation on “[w]hat is 8Chan and what is 4Chan” followed by #WWG1WGA, [REDACTED]

Response 62. Jack tweeted #FreeFlynn alongside #WWG1WGA .

63. On August 22, 2020, Jack quote tweeted a post containing a meme with a U.S. flag, a giant black “Q,” and the phrase “Where We Go One We Go All” along with “We are with you Jack!”: Ex. 28 at 166:21-167:19, 168:15-19; Ex. 52 at 11. Jack added, “If this means you believe in the constitution and equal justice under the law then this works for me.” Ex. 28 at 168:20-169:15; Ex. 52 at 11. [REDACTED]

Response 63. No Dispute.

64. On August 23, 2020, Jack tweeted the hashtag #banCNN. Ex. 28 at 178:20-179:2 & Ex. 52 at 9.

Response 64. No Dispute.

65. [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Response 65. No Dispute.

66. On February 14, 2022, Jack sent a direct message on Twitter to a user asking them to delete tweets with Flynn and QAnon-related content for “personal reasons.” Ex. 28 at 197:2- 198:12 & Ex. 54.

Response 66. No Dispute.

67. Leslie also engaged with QAnon content on social media, including “liking” several tweets, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 67. Leslie was only on Twitter for a short time because she didn’t

“understand all the hashtags.” [REDACTED] During her time on Twitter, she liked numerous tweets that supported Gen. Flynn, including some tweets that included #WWG1WGA and #Q separately. [REDACTED] She liked tweets because they included references to Gen. Flynn, JFK, and/or Trump not because they included #WWG1WGA or #Q. [REDACTED]

Leslie didn’t even know what #Q or #WWG1WGA meant; they were just letters to her. [REDACTED] The first time Leslie heard #WWG1WGA said out loud as the phrase “Where we go one, we go all” was at the July 4th Flynn family barbeque. [REDACTED]

[REDACTED] Leslie did not hear the term “QAnon” mentioned at the barbecue. [REDACTED]

68. On May 9, 2020, prior to the Fourth of July, Leslie Flynn replied to a now-deleted tweet by Jack Flynn, to which a third-party Twitter user replied with a meme containing Gen. Flynn’s photo along with “Hurricane Michael Flynn,” “#WWG1WGA,” and “Q.” After May 9, 2020, Leslie also liked that tweet. Ex. 29 at 221:4-23 & Ex. 40; Ex. 28 at 99:7-23 & Ex. 45.

Response 68. Leslie was only on Twitter for a short time because she didn’t “understand all the hashtags.” [REDACTED] During her time on Twitter, she liked numerous tweets that supported Gen. Flynn, including some tweets that included #WWG1WGA and #Q separately. [REDACTED] She liked tweets because they included references to Gen. Flynn, JFK, and/or Trump not because they included #WWG1WGA or #Q. [REDACTED] Leslie didn’t even know what #Q or #WWG1WGA meant; they were just letters to

her. [REDACTED] The first time Leslie heard #WWG1WGA said out loud as the phrase “Where we go one, we go all” was at the July 4th Flynn family barbeque. [REDACTED]

[REDACTED]. Leslie did not hear the term “QAnon” mentioned at the barbecue. [REDACTED]

[REDACTED]

69. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 69. No dispute.

70. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Jack took a photo, along with Gen. Flynn, holding up Wolski’s stickers; the one Jack held up said “Q SENT ME,” while a friend held one up that said, “CNN SUCKS”: *Id.* at 436:3-437:12 & Ex. 66; Ex. 102. Jack, Leslie, along with Lori and Gen. Flynn, later took a photo with Wolski on Jack and Leslie’s deck, while Wolski wore a T-shirt that said “Digital Soldier” and “Q.” Ex. 28 at 438:2-440:14

& Ex. 110. Jack and Leslie then took another photo with Wolski wearing a “Q” hat (along with Gen. Flynn and Lori): Ex. 28 at 441:20-442:2 & Ex. 67.

Response 70. No dispute.

71. [REDACTED]

[REDACTED] Two weeks later, on or around September 16, 2020, he retweeted her post that was supportive of Gen. Flynn and featured a photograph of Wolski wearing a “Q” hat and a “We are The Storm” shirt discussing her visit to the Flynn’s house. Ex. 28 at 445:14-446:19, 447:16-17 & Ex. 64 at 4; Ex. 68. [REDACTED]

[REDACTED] through August 2021, after which Wolski passed away from COVID-19. [REDACTED]
[REDACTED]

Response 71. No dispute.

72. [REDACTED]

[REDACTED]
[REDACTED]

Response 72. No dispute.

73. On September 10, 2020, Jack received an email from a “General Flynn supporter” who reached out to him online asking, “So you and the whole family believe in Q anon?” and stating that Joe Flynn “led [her] to believe that Q was okay and it was ‘involved.’” Ex. 28 at 180:18-181:13, 185:7-187:12, 189:15-190:11; Ex. 53. Jack privately expressed some skepticism in an email about QAnon but acknowledged that he “most certainly ask[s] about it and get[s] a

reaction from others,” and that he had been “digging into it because so many people follow [us] that are ‘Q’s.” Ex. 53. Although privately acknowledging in “a personal email” to the individual that Q “actually encourages people to do their own research” and that “its existence and foundation is hog wash,” Ex. 28 at 191:15-22, 195:6-20; Ex. 53, [REDACTED]

Response 73. No dispute

74. On October 23, 2020, while the Legal Defense Fund link remained in his bio and his pinned tweet, Jack retweeted a post from a user with display name “w.w.g.l.w.g.a” and username “@wwg1wga74768620” tagging Jack and Gen. Flynn and containing a screenshot of Q Drop #1440: “BOOM. BOOM. BOOM. BOOM. A WEEK TO REMEMBER. DARK TO LIGHT. BLACKOUT NECESSARY. Q[.]” Ex. 28 at 199:18-23; Ex. 55 at 3. Over a year prior, the QAnon-associated individual who posted about Q Drops online as @InTheMatrixxx (aka Jeffrey Pedersen) had tweeted about this exact Q Drop [REDACTED]

Response 74. Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED]

75. In December 2020, Jack retweeted a post promoting clothing sales with the QAnon Slogan “WWG1WGA” and the phrase “#FightLikeAFlynn” that “benefits

the [Legal] Defense Fund” on a website called The Shirt Show. Ex. 28 at 263:18-264:14; Ex. 63. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 75. Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED]

[REDACTED]

[REDACTED]

76. The connection between this QAnon merchandise and the Legal Defense Fund was widely reported on prior to the Report, including by Jack and Leslie’s purported expert. Ex. 8 at 44; *see also* Ex. 6 at 20-21; Ex. 88. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 76. Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED]

[REDACTED]

77. The connections between the Flynn family and QAnon were known to CNN journalist Donie O'Sullivan before he created the Report at issue. O'Sullivan has followed QAnon for several years, publishing numerous articles and television packages on the movement. Ex. 3 ¶¶ 9, 12-16, 22, 30-31, 38. O'Sullivan was also aware prior to the Report of Q Drop #4510; the fact that General Flynn and his family used QAnon terms to fundraise for the Legal Defense Fund; the #TakeTheOath movement and the Oath Video; that several congressional candidates in the 2020 elections had been labeled QAnon supporters for tweeting or retweeting the QAnon Slogan and/or the Oath Video; and CNN's and other outlets' prior reporting on the Flynn's Oath Video, which included Sidney Powell's quoted response on the Flynn family. *Id.* ¶¶ 19-31.

Response 77. At the time the Report aired, [REDACTED]

[REDACTED]

[REDACTED] Moreover, Jack's tweets demonstrated a lack of knowledge as to what QAnon was. Roberts Exs. J, K, L. [REDACTED]

[REDACTED]

[REDACTED]

78. On October 17, 2020, O’Sullivan attended a QAnon convention called Q Con Live! in Scottsdale, Arizona. *Id.* ¶¶ 32-34. While there, O’Sullivan saw and heard repeated references to and exclamations of “Where We Go One, We Go All”; saw the Q Con Live! attendees’ positive response to Trump’s refusal to disavow QAnon at the NBC town hall; observed the importance of social media to QAnon; and witnessed Q Con Live! speakers’ favorable references to Gen. Flynn. *Id.* ¶¶ 34-37.

Response 78. No dispute.

79. Following O’Sullivan’s reporting for CNN on the Capitol riot, he realized that some of the individuals who had attended Q Con Live! also participated in the riot. *Id.* ¶¶ 40-41. A few weeks later, in early February 2021, O’Sullivan pitched a television news package to CNN’s nightly news show, CNN Tonight, seeking to shed new light on the relationship between QAnon and Trump and his enablers, including his reporting from Q Con Live!. *Id.* ¶¶ 42-44.

Response 79. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

80. After CNN Tonight accepted the pitch, O’Sullivan began writing the script and determining which elements, such as video, would be featured. *Id.* ¶¶ 45-46. By the morning of February 4, 2021, O’Sullivan had prepared a draft script that included a two-second clip from the Oath Video showing Gen. Flynn reciting the words, “Where We Go One, We Go All.” *Id.* ¶ 47. The editor assigned to the Report cut those clips based on O’Sullivan’s script. *Id.* ¶ 50.

Response 80. No dispute.

81. O’Sullivan chose to include the Oath Video clip because it was newsworthy that a mainstream political figure like Gen. Flynn had promoted the same QAnon Slogan, “Where We Go One, We Go All,” used at Q Con Live!. *Id.* ¶¶ 47-49.

Response 81. [REDACTED]

[REDACTED]

82. O’Sullivan sent the final script for review to among others, Fuzz Hogan at the Row, CNN’s editorial oversight department, and Emma Lacey-Bordeaux at Standards and Practices, CNN’s department dedicated to ensuring content is consistent with ethical and professional standards. *Id.* ¶ 61; Ex. 4 ¶¶ 2, 17; Ex. 5 ¶¶ 2-3, 16. The script was approved by Hogan, who confirmed the Report was factually

accurate, and Lacey-Bordeaux, who had no concerns with the Report from a Standards and Practices perspective. Ex. 4 ¶¶ 22-33, 35, 37; Ex. 5 ¶¶ 22-27, 29, 31-32. Both Hogan and Lacey-Bordeaux were also aware that “Where We Go One, We Go All” was associated with QAnon, and that it was widely reported that Gen. Flynn and his family had taken a QAnon oath in July 2020. Ex. 4 ¶¶ 25-29; Ex. 5 ¶¶ 22-24. Neither Hogan nor Lacey-Bordeaux flagged the portion of the Report in which the Oath Video appeared as problematic, and O’Sullivan, Hogan, and Lacey-Bordeaux all believed the Report to be fair and accurate. Ex. 3 ¶¶ 49, 61-64, 81; Ex. 4 ¶¶ 4, 31-32, 37-38; Ex. 5 ¶¶ 4, 24, 26, 31-32. O’Sullivan supervised the physical assembly of the Report, and saw and approved the complete Report prior to airing. Ex. 3 ¶¶ 39, 50, 69.

Response 82. From start to finish, the Report interweaves footage from January 6 and footage from QAnon meetings. The QAnon Shaman is shown numerous times throughout the Report. [REDACTED]

[REDACTED]

[REDACTED] The Flynn’s, [REDACTED]

[REDACTED]

[REDACTED] At the time the Report aired, however, [REDACTED]

[REDACTED] Even if he had,

[REDACTED]

[REDACTED]

[REDACTED] Moreover, Jack’s tweets demonstrated a lack of knowledge as

to what QAnon was. Roberts Exs. J, K, L. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Nevertheless, he still decided to include the Clip in his Report, but not before cutting out the portions where the Flynns said an oath to defend the Constitution and “God bless America.” [REDACTED] CNN removed the Clip from the context in which it was created and misleadingly placed it among clips of QAnon gatherings and the January 6 attack [REDACTED]

[REDACTED]

[REDACTED]

83. After the Report’s script was finalized, the Chyron, or a banner that appears on the lower third of the screen, reading “CNN Goes Inside a Gathering of QAnon Followers,” was added soon before the Report aired. *Id.* ¶ 73. O’Sullivan did not create the Chyron, but as a matter of standard practice, the CNN show airing the news package would have prepared the Chyron, and CNN often runs chyrons during the entirety of news reports. *Id.* ¶ 74; Ex. 5 ¶ 30. Here, the Chyron’s words were the exact same as those in the Report. Pulling the text of the Chyron from the script of the news package is one of the common ways that chyrons are created. Ex. 3 ¶ 74. O’Sullivan, Lacey-Bordeaux, and Hogan have since reviewed the Chyron, and they believe that it fairly and accurately reflects the Report because of the Report’s overall focus on Q Con Live!, and that it does not call Jack or Leslie QAnon followers. Ex. 3 ¶¶ 74-78; Ex. 4 ¶ 37; Ex. 5 ¶ 31. Additionally, Hogan believes that “the Report was not about Jack or Leslie” and that “[i]t did not allege that Jack or Leslie, or any other

member of the Flynn family, had committed any wrongdoing.” Ex. 4 ¶ 33. Similarly, Lacey-Bordeaux believes that “the Report is not about Jack or Leslie,” and that it does not “reference them by name or even include them reciting the oath.” Ex. 5 ¶ 25.

Response 83. A reasonable viewer could think that the chyron stating “QAnon Followers” was meant to apply to Jack and Leslie because this chyron was displayed while they were on screen and while “Where we go one, we go all” was said, immediately after this phrase had been identified as the “QAnon slogan.” Bolger Ex. 1.

84. O’Sullivan, Lacey-Bordeaux, and Hogan believed at the time it was published, and believe now, that the Report was fair and accurate. They also believe that the Report did not depart from the Row’s editorial standards, CNN’s ethical and professional standards and practices, or the standards of care associated with responsible journalism. Ex. 3 ¶¶ 4, 81; Ex. 4 ¶¶ 4, 37-38; Ex. 5 ¶¶ 4, 32.

Response 84. A reasonable viewer could think that the chyron stating “QAnon Followers” was meant to apply to Jack and Leslie because this chyron was displayed while they were on screen and while “Where we go one, we go all” was said, immediately after this phrase had been identified as the “QAnon slogan.” Bolger Ex. 1. No one from CNN reached out to any of the Flynn’s for comment before Report aired. [REDACTED] However, CNN did reach out to a QAnon follower known as In The Matrix because this figure was shown speaking in the Report. [REDACTED]

[REDACTED]

[REDACTED]

85. The Report aired for the first time on CNN Tonight at 10:45 PM ET on February 4, 2021, and later aired four other times: a CNN Tonight replay at 2:48 AM on February 5, 2021; on CNN Newsroom at 3:49 PM on February 5, 2021; on New Day Saturday at 7:33 AM on February 6, 2021; and on CNN Newsroom at 3:30 PM on February 6, 2021. Ex. 3 ¶¶ 3, 79.

Response 85. No dispute.

86. The Report, which is approximately three minutes and 50 seconds, is largely composed of footage of O’Sullivan’s attendance at Q Con Live!. Ex. 1. The Chyron remains at the bottom of the screen during the entirety of the Report, including O’Sullivan’s interview with Don Lemon on air after the Report concludes. *Id.*; Ex. 3 ¶ 73. The Report opens with several statements at Q Con Live! criticizing the mainstream media, before flashing to footage of O’Sullivan wearing a mask at Q Con Live!. Ex. 1. Within the first 20 seconds of the Report, O’Sullivan explains that the footage was from “this gathering of QAnon followers in Arizona just two weeks before November’s election.” *Id.* The Report then shows the QAnon Shaman at Q Con Live! followed by an image of him at the January 6 attack. Next, the Report features J.T. Wilde playing his song “Where We Go One, We Go All” at Q Con Live!; O’Sullivan then describes that phrase as an “infamous QAnon slogan promoted by Trump’s first national security adviser, Michael Flynn” that was also “played as an anthem at this meeting of Trump supporters [Q Con Live!].” *Id.* During O’Sullivan’s explanation, the Report shows photos of the phrase in full, abbreviated as “#WWG1WGA,” and

printed, with the letter “Q,” on large flags, followed by a clip of Gen. Flynn with Trump at a campaign rally. *Id.* O’Sullivan’s statement is then followed with a two-second clip of the Oath Video, showing Gen. Flynn reciting, “Where We Go One, We Go All,” which was fonted—meaning, credited—to Gen. Flynn’s Twitter with the words “Twitter/Michael Flynn July 2020.” *Id.* Jack and Leslie, who are not named, are also visible in the clip, but are not shown speaking any words. *Id.* The Report does not describe QAnon as a “cult,” nor does it mention anything about a high-ranking government insider known as Q exposing a cabal of Satan-worshipping pedophiles which controls the government. *Id.*

Response 86. The Report begins by showing clips of a room of QAnon followers alongside a chyron that stated: “CNN GOES INSIDE A GATHERING OF QANON FOLLOWERS.” The Report then identifies one attendee—who is shirtless, has his face painted, and is wearing a horned headdress—as the QAnon Shaman. The Report then states the QAnon Shaman stormed the Capitol on January 6 and shows images of the QAnon Shaman in the Capitol. The Report describes the phrase “Where we go one, we go all” as the “infamous QAnon slogan promoted by Trump’s first national security adviser, Michael Flynn” before immediately cutting to a two second clip from the Flynn family’s #TakeTheOath video (the “Clip”). The Clip shows Gen. Flynn leading Lori, Jack, Leslie, Joe, and Valorie in saying “Where we go one, we go all” with their right hands raised. The Report continues to display the chyron about “QANON FOLLOWERS” when the Clip is played. After the Clip, the Report shows the QAnon Shaman again. Next a speaker at a QAnon meeting declares, ‘We are at

war now and we in this room understand that very, very much.” Additional video of the QAnon Shaman on both January 6 and from this meeting is shown thereafter. The Report interposes violent rhetoric from a QAnon gathering with footage from the January 6 attack. The QAnon Shaman is shown again. A commentator explains that the people at the meeting “felt like they were part of something big and revolutionary and that they were opposing absolute evil.” Mr. O’Sullivan appears on screen and describes QAnon as a movement that gives license to hate, racism, and anti-Semitism. *See generally* Bolger Ex. 1.

87. The Report also shows Q Con Live! attendees cheering Trump’s refusal to disavow QAnon during a town hall with journalist Savannah Guthrie. *Id.* The Report also identified prominent figures in the QAnon movement and closes with O’Sullivan’s interview with Travis View, the host of a QAnon podcast, and a final shot of J.T. Wilde singing “Where We Go One, We Go All.” *Id.* After the Report concluded, Lemon interviewed O’Sullivan, focusing exclusively on Q Con Live! and January 6, and made no mention of Jack and Leslie. *Id.* at 3:51-5:52.

Response 87. Shortly after Jack and Leslie are shown onscreen with a chyron that said “QAnon Followers,” Mr. O’Sullivan appears on screen and describes QAnon as a movement that gives license to hate, racism, and anti-Semitism. *See generally* Bolger Ex. 1.

88. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. In her initial disclosures, Leslie claimed to have first learned of the Report in March 2021 from her friend, Maryellen Sullivan Kelly, [REDACTED]

[REDACTED]

Response 88. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

89. In any event, regardless of how she learned of the Report, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 89. Leslie had to explain to her friends Maryellen, Dawn and Kris; her sister Lori; her son Kyle; her mother; and her aunt that she was not part of QAnon because of how she was portrayed in the Report. [REDACTED]

[REDACTED] Leslie believes that a couple members of her pickleball community may think she's part of QAnon. [REDACTED]

90. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

When asked if he was seeking damages for medical harm as a result of the Report,

he stated he would have to speak to his attorney, and never got back to CNN on the issue. *Id.* at 372:1-374:4; Bolger Dec. ¶ 122.

Response 90. [REDACTED]

[REDACTED]

91. Though originally claiming they were entitled to actual and special damages in their FAC ¶ 29, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Response 91. The Report damaged Leslie emotionally and affected her health by causing her to be anxious and depressed that people thought she was in QAnon.

[REDACTED] On Twitter, Jack has been harassed by people who think his is a QAnon follower because of the CNN Report. [REDACTED]

Pickleball players and members of his community began keeping their distance from Jack and Leslie after the CNN Report aired. [REDACTED] Jack is fearful and uncomfortable being in his community because people stare and talk about him.

[REDACTED]

[REDACTED]

[REDACTED]

92. On March 25, 2021, Jack and Leslie sued CNN in this Court, bringing claims for defamation *per se* and false light invasion of privacy based on the allegation that the Report falsely accused them of being a “QAnon follower.” Dkt. 1.

Response 92. No dispute.

93. On May 7, 2021, Jack and Leslie filed the FAC, again alleging defamation *per se* and false light invasion of privacy. Dkt. 7.

Response 93. No dispute.

94. On June 21, 2021, CNN moved to dismiss the FAC. Dkt. 17-19. On October 14, 2021, Magistrate Judge Sarah L. Cave held a hearing on CNN’s motion to dismiss. Dkt. 33.

Response 94. No dispute.

95. On October 22, 2021, Magistrate Judge Cave issued a report and recommendation (“R&R”) recommending dismissal with prejudice of Jack and Leslie’s defamation *per se* and false light claims under Rhode Island law. Dkt. 38. As for the defamation *per se* claim, the R&R concluded that to the extent the Report called Jack and Leslie QAnon followers, that claim was neither “substantially false nor

defamatory,” because “by their own statements, both in the [FAC] and in ... Twitter feeds ... [Jack and Leslie] connected themselves to QAnon, and therefore, cannot plausibly allege that CNN’s statements were substantially false.” *Id.* at 33. The R&R also concluded that Jack and Leslie failed to allege that, under a negligence standard, CNN “lacked reasonable grounds for believing the truth of the statement that they were QAnon followers.” *Id.* at 35. The R&R further concluded that the statement “QAnon follower” was not defamatory *per se*, and Jack and Leslie failed to plead special damages. *Id.* at 37-38. As for the false light claim, the R&R concluded that “given their own statements sharing and following the opinions of QAnon,” Jack and Leslie cannot “plausibly allege” that the Report “implied an association which does not exist,” and therefore did not adequately plead that claim. *Id.* at 40.

Response 95. No dispute.

96. On November 5, 2021, Jack and Leslie objected to the R&R, Dkt. 39, to which CNN responded. Dkt. 40-41.

Response 96. No dispute.

97. On December 16, 2021, this Court issued a memorandum opinion and order adopting the R&R in part and rejecting it in part. Dkt. 42. This Court dismissed Jack and Leslie’s defamation *per se* claim but held that their false light claim was adequately pleaded. *Id.*

Response 97. No dispute.

98. On December 30, 2021, CNN filed a motion for partial reconsideration of the Court’s December 16, 2021, Order to the extent it reversed the R&R’s dismissal

of the false light claim and reversed the R&R's conclusion that Jack and Leslie had not adequately pleaded negligence. Dkt. 49.

Response 98. No dispute.

99. On January 14, 2022, CNN answered the FAC. Dkt. 52.

Response 99. No dispute.

100. On February 9, 2022, and March 3, 2022, respectively, Valerie Flynn (the wife of Jack's brother Joe) and Lori Flynn (Gen. Flynn's wife) sued CNN in the Middle District of Florida, bringing claims for defamation *per se* and defamation-by-implication based on the allegation that the Report falsely accused them of being "QAnon followers" (the "MDFL Actions"). *See Valerie Flynn v. CNN*, No. 8:22-cv-00343 (M.D. Fla.), Dkt. 1; *Lori Flynn v. CNN*, No. 8:22-cv-00512 (M.D. Fla.), Dkt. 1.

Response 100. No dispute

101. On August 12, 2022, this Court granted in part and denied in part CNN's motion for partial reconsideration, holding that at the pleading stage, Jack and Leslie had plausibly alleged falsity for purposes of their false light claim. Dkt. 65. The Court "[took] no position on whether, at a later stage in the case, a factfinder may discredit" Jack and Leslie's allegations that the Oath Video, and their recitation of the QAnon Slogan, was associated with QAnon. *Id.* at 8-9. On reconsideration, the Court also voided the portion of its December 16, 2021, Order holding that Jack and Leslie plausibly alleged CNN's negligence for purposes of their defamation claim. *Id.* at 11-12. Discovery then proceeded in this action.

Response 101. No dispute

PLAINTIFF'S STATEMENT OF ADDITIONAL FACTS

The Parties

102. At the time of filing the First Amended Complaint (“FAC”), Dkt. 7, Jack and Leslie were citizens of Rhode Island. FAC ¶8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] CNN blatantly mischaracterized Leslie’s testimony in its Statement of Undisputed Material Facts, Dkt. 180, (“Def.’s SUMF”) at ¶ 2.

103. Jack and Leslie are not QAnon followers, do not hold QAnon beliefs, and have never attended a QAnon event. [REDACTED]

[REDACTED]

104. Defendant Cable News Network, Inc. (“CNN”) owns and operates numerous news platforms and services, including the television network known as CNN and the website www.cnn.com. Bolger Dec. ¶ 1. CNN’s employee, [REDACTED], wrote the script for and produced the Report. *See* Declaration of Jason Roberts, filed concurrently with this memorandum, [REDACTED]

[REDACTED]

[REDACTED]

QAnon, Generally

105. “QAnon” is a conspiracy movement that began in 2017. It centers on the belief that a high-ranking government official(s) called “Q” is leaking secret information on online message boards in the form of coded messages. [REDACTED]

[REDACTED] Q’s online posts are called “Q drops”; there are thousands of them. [REDACTED]
[REDACTED].

106. QAnon followers hold a series of outlandish beliefs that have grown out of these Q drops. “These views center on the idea that a cabal of Satan-worshipping pedophiles mainly consisting of what they see as elitist Democrats, politicians, journalists, entertainment moguls and other institutional figures have long controlled much of the so-called deep state government, which they say sought to undermine President Trump, mostly with aid of media and entertainment outlets.”

[REDACTED]. This “secret global cabal of Democrats and celebrities ... worship Satan[,] sexually abuse[] children and dr[ink] their blood in order to ingest a chemical called adrenochrome.” [REDACTED] Trump is a messianic figure in QAnon. [REDACTED] Some QAnon followers “believe there's a lineage ... from JFK, Trump through to our Lord Jesus Christ.” [REDACTED].

107. In a CNN special report entitled “Inside the QAnon Conspiracy” that aired on January 31, 2021, “CNN called QAnon a deranged conspiracy cult. CNN stated that some of Q's conspiracy claims were actually based on age-old racist and anti-Semitic beliefs. CNN asserted that QAnon, like the Nazis, promoted ancient and dark biases and bigotry in world history. CNN stated that QAnon supporters were

detached from reality and had an utter disregard for the facts. CNN alleged that QAnon followers were mentally ill and crazy. CNN concluded that it was abundantly clear that QAnon was a dangerous and violent movement, a movement that has become insurrectionist." [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

108. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

109. Posting about Q drops on social media is central to the QAnon movement, as it greatly increased the movement's reach and visibility. Def.'s SUMF ¶ 5.

110. QAnon followers, specifically the QAnon Shaman (the man in the horned headdress), were highly visible figures in the attack on the Capitol that occurred on January 6, 2021. [REDACTED]

111. [REDACTED] the FBI had labelled QAnon as a domestic terrorist threat when it published the Report. [REDACTED] QAnon has been the subject of

significant negative media coverage. Roberts Exs. B-H. And has been condemned by a congressional resolution. [REDACTED]

The Phrase “Where We Go One, We Go All” and #WWG1WGA

112. The phrase “Where We Go One, We Go All” originates in the 1996 film *White Squall*. [REDACTED] In that movie the phrase appears on a bell on a ship named the Albatross. Jack had originally learned of the phrase when he watched *White Squall*. [REDACTED]

113. [REDACTED]

[REDACTED]

On Twitter, the phrase is sometimes abbreviated by the hashtag #WWG1WGA and has become associated with QAnon.

114. [REDACTED]

[REDACTED]

[REDACTED]. Because this was the first time Leslie had heard that phrase, she viewed it as a family oath. [REDACTED]

Jack Promoted Tweets In Support Of Gen. Flynn

115. Jack would promote, by liking or retweeting, tweets that supported Gen. Flynn. [REDACTED] Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Bolger Ex. 52. [REDACTED]

[REDACTED] At the time of the July 4, 2020, barbecue Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brother. [REDACTED]

116. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] However, Jack never associated the phrase “Where we go one, we go all” or #WWG1WGA with QAnon. [REDACTED] The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. [REDACTED] Bolger Exs. 43, 58. To Jack it was just another conservative hashtag, [REDACTED]

[REDACTED]

[REDACTED]

Leslie Was Unfamiliar with QAnon and #WWG1WGA

117. Leslie was only on Twitter for a short time because she didn’t “understand all the hashtags.” [REDACTED] During her time on Twitter, she liked numerous tweets that supported Gen. Flynn, including some tweets that included #WWG1WGA and #Q separately. Bolger Ex. 39. She liked tweets because they included references to Gen. Flynn, JFK, and/or Trump not because they included #WWG1WGA or #Q. [REDACTED]

Leslie didn't even know what #Q or #WWG1WGA meant; they were just letters to her. [REDACTED] The first time Leslie heard #WWG1WGA said out loud as the phrase "Where we go one, we go all" was at the July 4th Flynn family barbeque. [REDACTED] [REDACTED] Leslie did not hear the term "QAnon" mentioned at the barbecue. [REDACTED] [REDACTED]

The #TakeTheOath Movement Goes Viral

118. On June 24, 2020, after the D.C. Circuit Court of Appeals ordered Judge Sullivan to dismiss the charges against Gen. Flynn, someone posting under the online pseudonym of Q advised his readers to take the constitutional oath of office followed by the phrase "Where We Go One, We Go All." Def.'s SUMF ¶ 28. QAnon followers then began filming themselves reciting the oath and posting the video along with the hashtag #TakeTheOath. *Id.* at ¶ 29. By June 25, 2020, there were already 76,600 tweets with the hashtag #TakeTheOath. *Id.* at ¶ 29. The hashtag had gone viral and had spread beyond Q readers. *Id.* at ¶¶ 29, 31 and 32.

119. Jack heard about the viral #TakeTheOath challenge on social media because it was "trending" but was unaware of its connection to QAnon. [REDACTED] [REDACTED]. Jack and Leslie both received social media messages from Flynn family members that included both #TakeTheOath and #WWG1WGA. Bolger Ex. 41; Def.'s SUMF at ¶ 32. However, since neither Jack nor Leslie associated #WWG1WGA with QAnon, these messages would not have conveyed to them any connection between QAnon and #TakeTheOath. [REDACTED] [REDACTED]

A. Jack and Leslie Say “Where We Go One, We Go All” as Symbol of Family Unity.

120. After General Flynn’s legal troubles seemingly ended, his family celebrated his freedom from his charges at a July 4th barbecue. [REDACTED]

[REDACTED] This barbeque that stretched across the adjoining back yards of Jack and Leslie’s house and Gen. Flynn’s house. [REDACTED]

121. In addition to the hosts, Lori (Gen. Flynn’s wife), Joe (Gen. Flynn and Jack’s brother), and Valerie (Joe’s wife) Flynn were in attendance from the Flynn family. [REDACTED]. There were also more distant relatives and nonrelatives at this party. [REDACTED]. However, only the six individuals with the last name of Flynn—Gen. Flynn, Lori, Joe, Valerie, Jack and Leslie—participated in filming a #TakeTheOath video. [REDACTED] Other guests were not invited to join because the Flynns were participating in the #TakeTheOath trend and saying “Where We Go One, We Go All” as a symbol of family unity after a very trying time had passed.

[REDACTED]

122. Some members of the Flynn family were aware of the viral #TakeTheOath movement. These family members felt it was a great thing to take an oath in support of the Constitution. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The Flynns filmed themselves reciting the constitutional oath of office, “Where we go one, we go all,” and “God bless America.” Bolger Ex. 2.

123. There is no evidence in the record that anyone from the Flynn family intended the video to be a show of unity with QAnon. [REDACTED]. Nor is there any evidence in the Record that indicates the Flynn family understood #WWG1WGA to be a QAnon slogan at the barbecue. [REDACTED]
[REDACTED] There is also no evidence in the Record that indicates that the Flynn family knew that #TakeTheOath originated from a Q drop or even knew what a Q drop was.
[REDACTED]

124. Instead, the Record demonstrates that the hashtags #WWG1WGA and #TakeTheOath proliferated amongst tweets supporting Gen. Flynn, including tweets that didn't reference Q. They were two hashtags, among many, that were frequently included in tweets supporting Gen. Flynn.

125. Shortly after the video was taken, Gen. Flynn posted the video to Twitter, making his contribution to the viral #TakeTheOath trend. Bolger Ex. 2.

B. Jack and Leslie Provide Shelter for an Indigent Fan of Gen. Flynn

126. Veronica Wolski, an individual who had donated to Gen. Flynn's legal defense fund, was well known on Twitter for putting up all kinds of signs on a bridge in Chicago. [REDACTED] Jack was acquainted with Ms. Wolski through his sister Barbara. [REDACTED] When he learned Ms. Wolski was traveling east, and wanted to meet Gen. Flynn, Jack reluctantly decided to let her know she would be welcome if she made it to his house for a Labor Day cookout. *Id*
[REDACTED]

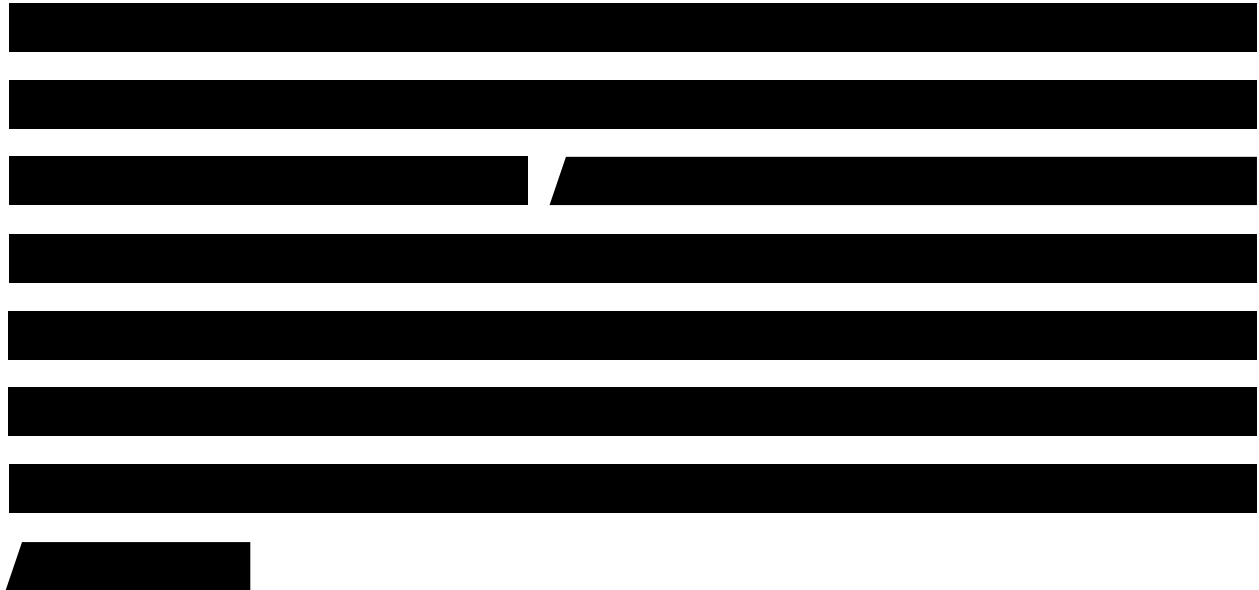
127. When Ms. Wolski showed up at Jack's house for the cookout, he noticed that she was distressed and in a tough spot in life. [REDACTED]. Jack had to calm her down "because she was all excited like a groupie" to see Gen. Flynn. [REDACTED] After Ms. Wolski informed Jack "she had no place to stay and she had been sleeping in her car on her way east at truck stops," Jack decided to get her a room at the Seaview Hotel "so she could get a shower and decent sleep." [REDACTED]

128. Later in the evening, Ms. Wolski returned to the cookout. She brought with her a wood carving of an American flag, which she presented to Gen. Flynn; a banner similar to the ones she would display on the bridge in Chicago in support of Gen. Flynn; another banner that said "God bless America"; and a box full of stickers. [REDACTED]. Some of these stickers said: "CNN Sucks"; others said: "Q Sent Me." [REDACTED]. Jack and other attendees of the cookout thought these stickers were funny and took pictures with them. [REDACTED]

129. [REDACTED]
[REDACTED] [REDACTED] However, she seemed to mean well and had a funny sense of humor. [REDACTED] After the cookout, Jack sent Ms. Wolski on her way with a little bit of food. [REDACTED]

C. CNN Includes Part of Gen. Flynn's Viral Video in the Report

130. [REDACTED]
[REDACTED]
[REDACTED]



131. The Report begins by showing clips of a room of QAnon followers alongside a chyron that stated: “CNN GOES INSIDE A GATHERING OF QANON FOLLOWERS.” The Report then identifies one attendee—who is shirtless, has his face painted, and is wearing a horned headdress—as the QAnon Shaman. The Report then states the QAnon Shaman stormed the Capitol on January 6 and shows images of the QAnon Shaman in the Capitol. The Report describes the phrase “Where we go one, we go all” as the “infamous QAnon slogan promoted by Trump’s first national security adviser, Michael Flynn” before immediately cutting to a two second clip from the Flynn family’s #TakeTheOath video (the “Clip”). The Clip shows Gen. Flynn leading Lori, Jack, Leslie, Joe, and Valorie in saying “Where we go one, we go all” with their right hands raised. The Report continues to display the chyron about “QANON FOLLOWERS” when the Clip is played. After the Clip, the Report shows the QAnon Shaman again. Next a speaker at a QAnon meeting declares, “We are at war now and we in this room understand that very, very much.” Additional video of

the QAnon Shaman on both January 6 and from this meeting is shown thereafter. The Report interposes violent rhetoric from a QAnon gathering with footage from the January 6 attack. The QAnon Shaman is shown again. A commentator explains that the people at the meeting “felt like they were part of something big and revolutionary and that they were opposing absolute evil.” Mr. O’Sullivan appears on screen and describes QAnon as a movement that gives license to hate, racism, and anti-Semitism. *See generally* Bolger Ex. 1.

132. From start to finish, the Report interweaves footage from January 6 and footage from QAnon meetings. The QAnon Shaman is shown numerous times throughout the Report. [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

133. At the time the Report aired, however, [REDACTED] hadn’t seen Jack or Leslie’s social media accounts. [REDACTED]. Even if he had, [REDACTED]

[REDACTED] retweets are not necessarily endorsements of the original tweets or indicative of an unexpressed belief system related to the tweet. [REDACTED]

[REDACTED] Moreover, Jack’s tweets demonstrated a lack of knowledge as to what QAnon was. Roberts Exs. J, K, L. [REDACTED]

[REDACTED]

134. Nevertheless, he still decided to include the Clip in his Report, but not

before cutting out the portions where the Flynns said an oath to defend the Constitution and “God bless America.” [REDACTED]. CNN removed the Clip from the context in which it was created and misleadingly placed it among clips of QAnon gatherings and the January 6 attack [REDACTED]

135. Because it linked Trump and General Flynn with QAnon and the January 6 attack, [REDACTED] Trump’s impeachment trial in the House, which was related to the events of January 6, was scheduled to begin 5 days after the Report aired. [REDACTED]

136. No one from CNN reached out to any of the Flynns for comment before Report aired. [REDACTED]

[REDACTED] CNN cannot credibly explain why [REDACTED]

Jack and Leslie's Damages

137. After the Report aired, Jack had to defend himself and explain that he was not a QAnon follower to members of his country club, individuals he knew through pickleball, and his son. [REDACTED] His son was told that his “parents are part of th[e] QAnon group.” [REDACTED] Jack believes there are probably millions of people that think less of him because they think he is associated with QAnon, including his neighbors in Boca Royale, Florida and Newport, Rhode Island. [REDACTED]

138. On Twitter, Jack has been harassed by people who think his is a QAnon follower because of the CNN Report. [REDACTED] Pickleball players and members of his community began keeping their distance from Jack and Leslie after the CNN Report aired. [REDACTED] Jack is fearful and uncomfortable being in his community because people stare and talk about him. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

139. Similarly, Leslie brought her claim against CNN [REDACTED]

[REDACTED]

[REDACTED] When she learned that CNN labeled her a QAnon Follower on national television, she was “shocked,” “embarrassed and sad.” [REDACTED] The Report damaged Leslie emotionally and affected her health by causing her to be anxious and depressed that people

thought she was in QAnon. *Id.* at 198:1-6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

140. Leslie had to explain to her friends Maryellen, Dawn and Kris; her sister Lori; her son Kyle; her mother; and her aunt that she was not part of QAnon because of how she was portrayed in the Report. [REDACTED]

[REDACTED] Leslie believes that a couple members of her pickleball community may think she's part of QAnon. [REDACTED]

Procedural History

141. On March 25, 2021, Jack and Leslie sued CNN in this Court, bringing claims for defamation per se and false light invasion of privacy based on the allegation that the Report falsely accused them of being a “QAnon follower.” Def.’s SUMF. ¶ 92. On May 7, 2021, Jack and Leslie filed the FAC, again alleging defamation per se and false light invasion of privacy. *Id.* ¶ 93. On June 21, 2021, CNN moved to dismiss the FAC. *Id.* ¶ 94. On October 22, 2021, Magistrate Judge Cave issued a report and recommendation (“R&R”) recommending dismissal with prejudice of Jack and Leslie’s defamation per se and false light claims. *Id.* ¶ 95. On December 16, 2021, this Court issued a memorandum opinion and order adopting the R&R in part and rejecting it

in part. *Id.* ¶ 97. This Court dismissed Jack and Leslie's defamation per se claim but held that their false light claim was adequately pleaded. *Id.*

142. On August 12, 2022, this Court granted in part and denied in part CNN's motion for partial reconsideration, holding that at the pleading stage, Jack and Leslie had plausibly alleged falsity for purposes of their false light claim. *Id.* ¶ 101. Discovery proceeded and this motion followed. *Id.*

D. MSNBC Took Steps to Protect Jack and Leslie From Being Shown in False Light When MSNBC Broadcast the Clip.

143. When it broadcast a frame from the same clip, MSNBC decided to obfuscate, or blur out, Jack and Leslie's images. Roberts Ex. F. CNN chose not to protect Jack and Leslie from false light publicity in this manner. [REDACTED]

[REDACTED] Roberts Ex. E.

Dated: December 20, 2023

Respectfully submitted,

/s/ Jason C. Greaves

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